IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

Civil Application No. 4859 of 2007 in
W.P.No.2897 of 2006 (D)
(Mah. Rajya Shikshan Sanstha Mahamandal, Amravati .vs. State of Mah. and Ors.)

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Senior Counsel appearing for the Hon'ble Minister of School Education, Mantralaya, Mumbai/Respondent No.3. The statement which was made before this Court was that the State Government shall prepare a Master plan as per the direction no.1, fix quota for grant of permission to the primary, secondary and higher secondary private schools as per the procedure prescribed in direction no.2. It was further stated that the State Government will follow the other procedure stipulated in direction nos. 3 to 7 given in paragraph no.7 of the judgment of this Court rendered in the case of ***Gram Vikas Shikshan Prasarak Mandal .vs. State of Maharashtra and Others*** reported in **2001 (1) Mh.L.J. 776**.

It is also not in dispute that the present petitioner was neither a party to the petition nor was an intervenor. In that situation, the question of entertaining the present application for speaking to minutes in respect of the said order does not arise.

It is also brought to the notice of this Court that the present petitioner, on the earlier occasion, had filed Writ Petition No.4746 of 2006 wherein the order dt. 27.7.2006 passed by the State Government whereby permission granted to the three secondary schools run by the petitioner-Sanstha came to be withdrawn. Mr. Khapre,

learned counsel for the petitioner has submitted that this Court vide order dt. 22.9.2006 disposed of the petition with liberty to the petitioner (who is a petitioner in the present Civil Application) to canvass his grievance made in the petition before the State Government. Mr.Khapre, learned counsel has submitted that, pursuant to the said liberty, the petitioner submitted representations dt. 11.10.2006 and 2.12.2006 to the State Government against the order of withdrawal of permission dt.27.7.2006. However, since the State Government did not decide those representations for a considerable period, the petitioner filed other three Writ Petitions in this Court in respect of three different Schools bearing Nos. 2718/2007, 2691/2007 and 2692/2007 for appropriate direction to the State Government which are, as on today, pending. Learned counsel for the petitioner, therefore, contended that the said petitions were filed only because the State Government failed to take cognizance of the representations submitted by the petitioner as well as failed to decide the same on merits.

Mr.Patel, Assistant Government Pleader makes a categorical statement that, in case the above referred representations have not been decided by the State Government, in that case the State Government shall decide the same on its own merits, according to law, at its

earliest.

We have considered the contentions canvassed by the respective counsel. So far as the Civil Application No. 4859 of 2007 is concerned, we have already recorded our findings in this regard that the same is not maintainable. So far as the representations dt. 11.10.2006 and 2.12.2006 are concerned, it appears that those representations are submitted before the State Government by the petitioner in view of the order dated 22nd September, 2006 since liberty was granted to the petitioner to approach the State Government against the order dt. 27.7.2006 whereby permission granted to the three schools run by the petitioner came to be withdrawn. If the petitioner has submitted representation pursuant to the liberty granted to him, we see no reason why the State Government should not have decided the same on its own merits and according to law. However, since the Assistant Government Pleader has already stated before us that those representations shall be decided by the State Government on its own merits, according to law and by following the principles of natural justices, no specific direction, as such, in this regard is necessary. However, we expect the State Government to do so as early as possible. If the order of the State Government is adverse to the petitioner, the petitioner will

be at liberty to challenge the same before the appropriate Forum.

In the backdrop of the above referred facts, we see no reason to continue pendency of the Writ Petition Nos. 2718 of 2007, 2691 of 2007 and 2692 of 2007. Those are also disposed of at this stage with liberty to challenge the order passed by the State Government if it is adverse. The issues raised in the above-referred three Writ Petitions are kept open.

Copy of this order duly authenticated by the Shirestedar of this Court be furnished to the learned counsel for the parties on payment of usual copying charges.

JUDGE JUDGE

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